

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: MAY 1, 2023. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

Application Number: 41D 30147384

Applicant: MF MANAGEMENT LLC
240 COLVILLE RD
CHARLOTTE, NC 28207 1910
PAPAS LEGACY LLC
%TOM WAGNER
15 CENTRAL PARK W UNIT 4-D
NEW YORK, NY 10023 7709

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	41D 100950-00	DECEMBER 31, 1870
Historical Flow Rate: 18.75 CFS	Historical Consumptive Volume: 231.50 AC-FT	
	Historical Diverted Volume: 660.10 AC-FT	

PAST USE OF WATER

APPLICANT SEEKS TO CHANGE A PORTION OF STATEMENT OF CLAIM NO. 41D 100950-00, WHICH IS FOR 18.75 CUBIC FEET PER SECOND (“CFS”) FLOW AND A DIVERTED VOLUME OF THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE FROM BIG HOLE RIVER FOR THE PURPOSE OF FLOOD IRRIGATION WITH A PRIORITY DATE OF DECEMBER 31, 1870. THE PERIOD OF USE AND PERIOD OF DIVERSION IS MAY 1ST TO OCTOBER 19TH. THE CLAIMED PLACE OF USE IS 243 ACRES IN E2SESE SECTION 31 TOWNSHIP 3 SOUTH RANGE 6 WEST, S2NW AND SW SECTION 32 TOWNSHIP 3 SOUTH RANGE 6 WEST, N2NE AND NENW SECTION 6 TOWNSHIP 4 SOUTH RANGE 6 WEST, ALL IN MADISON COUNTY. THE POINT OF DIVERSION IS A HEADGATE IN SWSWNW SECTION 6 TOWNSHIP 4 SOUTH RANGE 6 WEST, MADISON COUNTY. THE WATER RIGHT IS CONVEYED BY SMITH DITCH. THE PLACE OF USE IS APPROXIMATELY 3 MILES SOUTHWEST OF TWIN BRIDGES NEAR THE BIG HOLE RIVER.

PROPOSED CHANGE

APPLICANT PROPOSES TO ADD FIVE PLACES OF STORAGE (PONDS) WITH A COMBINED SURFACE AREA OF 3.15 ACRES TO 41D 100950 00, TO RETIRE 16.44 IRRIGATED ACRES TO ACCOUNT FOR THE NEW CONSUMPTIVE USE OF THE PONDS, AND TO LEAVE 11 ACRE-FEET (“AF”) VOLUME INSTREAM AT THE HISTORICAL POINT OF DIVERSION TO OFFSET THE OF LOST RETURN FLOWS TO THE BIG HOLE RIVER. THE PROPOSED PONDS WILL BE IN THE HISTORICAL PLACE OF USE AND WILL BE USED FOR AN ADDITIONAL FISHERY PURPOSE. WATER WILL FLOW THROUGH THE PONDS FOR THE IRRIGATION PURPOSE. THE POINT OF DIVERSION AND CONVEYANCE DITCH WILL REMAIN UNCHANGED AND WILL SUPPLY THE IRRIGATION PURPOSE AND FISHERY PURPOSE. ALL PROPOSED IRRIGATED ACRES WILL REMAIN IN THE HISTORIC PLACE OF USE. THE ADDITIONAL FISHERY PURPOSE WILL INCLUDE 16.56 AF PER YEAR TO ACCOUNT FOR THE SURFACE WATER COMPONENT OF THE ANNUAL WATER REQUIREMENT FOR THE PONDS. THE PROPOSED PERIOD OF USE FOR THE FISHERY PURPOSE IS 1/1–12/31. THE PERIOD OF DIVERSION FOR THE FISHERY PURPOSE WILL REMAIN THE SAME AS FOR IRRIGATION (5/1 – 10/19). THE FISHERY PURPOSE OUTSIDE THE PERIOD OF DIVERSION WILL BE SUPPORTED BY THE PONDS.

ADDITIONAL INFORMATION

GROUNDWATER CERTIFICATES WILL PROVIDE THE GROUNDWATER COMPONENT OF THE ANNUAL WATER REQUIREMENT FOR THE PONDS.

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